

Remarks

The Office Action dated April 26, 2006 has been reviewed, and the following remarks are made in response thereto. In view of the following remarks, Applicants respectfully request reconsideration of this application and timely allowance of the pending claims. Upon entry of the instant amendment, claims 23, 25, 26, 29, 33-37, 39-42, 45 and 46 are pending. Claims 39, 41 and 45 are amended. Claims 30-32, 38, 43 and 44 are cancelled without prejudice or disclaimer to the subject matter claimed therein. Written support for the claim amendments is found throughout the specification and in the original claims, thus Applicants submit that no prohibited new matter has been added.

Applicants would like to thank the Examiner for the phone conference held with Applicants' representative on July 13, 2006. During the phone interview, the Examiner indicated that claim 39 would be allowable upon amendment of the claim to: (1) restrict chemotaxis to eosinophil chemotaxis, (2) provide proper antecedent basis for "said polypeptide binding sites," and (3) provide the measurement that identifies the substance as an antagonist or agonist. Additionally, the Examiner indicated that claim 41 would be allowable if the claim is amended to indicate that the tissue membrane proteins comprise said polypeptide and the cells express said polypeptide. Applicants submit that the above-discussed amendments have been incorporated in the claims and thus respectfully request timely allowance of the pending claims.

Summary of the Non-Final Office Action

1. Claims 39, 41 and 45 were rejected under 35 U.S.C. 112 (second paragraph) as being indefinite.
2. Claim 39 was rejected under 35 U.S.C. 112 (first paragraph) because the specification allegedly enables only the chemotaxis of eosinophils and not other cell types to the polypeptides of SEQ ID NO: 1 and 14.

Rejections Under 35 U.S.C. 112 (second paragraph)

Claim 39 was rejected under 35 U.S.C. 112 (second paragraph) as being indefinite because the claim purportedly recites the goal of assaying a substance for agonist or antagonist activity towards the polypeptide of claim 23, but allegedly omits steps necessary to achieve this goal.

Without acquiescing to the merits of the Examiner's rejection, and solely to expedite the prosecution of the pending application, Applicants have amended claim 39 to recite "wherein an increase in said inhibition of eosinophil chemotaxis indicates that said substance has an agonist activity and a decrease in said inhibition of eosinophil chemotaxis indicates that said substance has an antagonist activity." Thus, the amended claim clearly states the steps necessary to determine whether a substance is an agonist or antagonist.

In addition, claim 39 was rejected under 35 U.S.C. 112 (second paragraph) because the recitation "said polypeptide binding sites" purportedly lacked antecedent basis.

Without acquiescing to the merits of the Examiner's rejection, and solely to expedite prosecution of the pending application, Applicants have removed the term "binding sites" from the phrase "said polypeptide binding sites" in claim 39. As such, the rejection is moot as the remaining term "said polypeptide" has proper antecedent basis.

Furthermore, claim 39 was rejected under 35 U.S.C. 112 (second paragraph) because the claim allegedly requires measuring the inhibition of chemotaxis, however the claim does not specify what is chemotactic.

Without acquiescing to the merits of the Examiner's rejection, and solely to expedite prosecution of the pending application, Applicants have amended claim 39 to recite eosinophil chemotaxis. Thus, it is clear from the amended claim that the polypeptides of claim 23 are chemotactic for eosinophils.

Therefore, for the above-mentioned reasons, Applicants respectfully request that the rejection of claim 39 under 35 U.S.C. 112 (second paragraph) be reconsidered and withdrawn.

Claim 41 was rejected under 35 U.S.C. 112 (second paragraph) because the phrase "extracting membrane proteins corresponding to said isolated polypeptide" was purportedly unclear. Particularly, the Examiner alleged that the relationship between the membrane proteins and the isolated polypeptide was not specified.

Without acquiescing to the merits of the Examiner's rejection, and solely to advance prosecution, Applicants have removed the phrase "extracting membrane proteins corresponding to said isolated polypeptide" from claim 41, thereby mooting the rejection. Additionally, the amended claim specifies that the "tissue membrane proteins comprise the polypeptide" or that the cells express the polypeptide. Thus, the amended claim clearly specifies how the membrane proteins correspond to the isolated peptide.

In addition, claim 41 was rejected under 35 U.S.C. 112 (second paragraph) because the claim requires measuring the quantity of said compound bound to said isolated polypeptide yet purportedly does not contain a step that binds the compound to the isolated polypeptide.

Without acquiescing to the merits of the Examiner's rejection, and solely to further prosecution of the instant application, Applicants have amended claim 41 to specify that the tissue membrane proteins comprising said polypeptide (or cells expressing the polypeptide) are placed in contact with the compound. Thus, the amended claim clearly specifies a step in which the compound is bound to the polypeptide of claim 23.

Therefore, for the above-mentioned reasons, Applicants respectfully request that the rejection of claim 41 under 35 U.S.C. 112 (second paragraph) be reconsidered and withdrawn.

Rejections Under 35 U.S.C. 112 (first paragraph)

Claim 39 was rejected under 35 U.S.C. 112 (first paragraph) because the specification allegedly enables only the chemotaxis of eosinophils and not other cell types to the polypeptides of SEQ ID NO: 1 and 14.

Without acquiescing to the merits of the Examiner's rejection, and solely to expedite prosecution of the instant application, Applicants have amended claim 39 to specifically recite eosinophil chemotaxis. Therefore, Applicants respectfully request that the rejection of claim 39 under 35 U.S.C. 112 (first paragraph) be reconsidered and withdrawn.

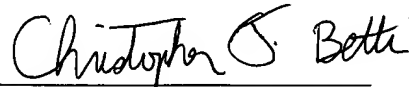
Conclusion

The foregoing amendments and remarks are being made to place the application in condition for allowance. Applicants respectfully request entry of the amendments, reconsideration and the timely allowance of the pending claims. A favorable action is awaited. Should the Examiner find that an interview would be helpful to further prosecution of this application, they are invited to telephone the undersigned at their convenience.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **July 26, 2006**
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Respectfully submitted,
Morgan, Lewis & Bockius LLP

A handwritten signature in cursive script that reads "Christopher J. Betti". The signature is written in dark ink and is positioned above a horizontal line.

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